

Affidavit of Shin Hoshikawa

Petition to Revive U.S. Patent App. No 09/574,738 under 37 CFR 1.137(a)

I, Shin Hoshikawa, hereby state and declare as follows:


1. I am employed as an assistant to Robert Cumbow of the law firm Graham & Dunn, P.C. I am authorized to testify as to the information set forth in this Affidavit, including all facts relating specifically to a purchase of assets from uRoam, Inc. ('uRoam'), by F5 Networks, Inc. ('F5'), on or about July 23, 2003. I make the following statements based upon my personal knowledge.
2. On or before July 23, 2003, Graham & Dunn, P.C., was retained by F5 to handle an agreement for the purchase of assets from uRoam. At the time this matter was conducted, I had been employed as a legal assistant for a total of eleven years, with over four of those years being at the firm of Graham & Dunn, P.C. At this time, I had been working for four years and three months as an assistant to Robert Cumbow, an attorney with Graham & Dunn, P.C.
3. On or before July 23, 2003, I received material(s) relating to the purchase of assets from uRoam by F5. These material(s), a copy of which is attached as Exhibit A, indicated that the assets to be acquired from uRoam by F5 included U.S. Patent Application No. 09/574,738, entitled "Method and Apparatus for Accessing a Computer Behind a Firewall". As seen in the attached exhibit, the status of this U.S. Patent Application was indicated as pending.
4. On or before July 23, 2003, there was a business routine employed at Graham & Dunn, P.C., for handling intellectual property assets involved in an asset purchase agreement. Subject intellectual property assets included filed, non-issued patent applications. The business routine comprised the clerical functions of receiving material(s) relating to the intellectual property assets, drafting an Assignment of Patents document, transcribing details of the intellectual property assets from the received materials into the Assignment of Patents document, and providing the Assignment of Patents document to counsel for review and use in conducting the asset purchase agreement.
5. On or before July 23, 2003, I employed the established business routine with regard to the material(s) received for the purchase of assets from uRoam by F5. As shown in Exhibit B, application of this business routine to the material(s) referring to U.S. Patent Application No. 09/574,738, however, resulted in the improper entry of the application number into an exhibit table that accompanied the Assignment of Patents document. A copy of this document, the Assignment of Patents, was signed on July 23, 2003. As shown in the exhibit, this error consisted of transposing numbers in the application number, resulting in an incorrect application number listed as 09/547,738, instead of the correct application number 09/574,738, in the exhibits table for the Assignment of Patents document.

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6. On or before July 23, 2003, I was sufficiently trained and experienced in performing the clerical functions involved with the established business routine, so as to warrant the trust and reliance of others upon my ability to perform these functions in a manner that avoided errors in its performance. For example, I do not recall making such an error in eleven years prior, which included recordation of asset transfers involving numerous patents, patent applications, trademark applications and registrations, and copyright registrations.
7. This data entry error in the performance of the established business routine was entirely accidental. I made this error despite exercising the care and diligence that a prudent and careful person would observe in carrying out his or her most important business.
8. My error in performing this business routine was the sole cause of the repeated appearance of the incorrect application number in other documents subsequently involved with the handling of this matter, including in a Record of Assignment, signed September 22, 2003, a copy of which is attached hereto as Exhibit C. Using the information recorded in the exhibit table of the Assignment of Patent document, Exhibit B, I personally prepared these documents under the direction of Robert Cumbow.
9. Copies of the Assignment of Patents document and the Record of Assignment document, Exhibits B and C, were filed with the USPTO on or about September 23, 2003. I was personally involved with the submission of these documents to the USPTO. Because of my error in the initial recording of application numbers, however, this Record of Assignment was not directed toward the correct application number 09/574,738.

I make these statements under penalty of perjury and hereby swear that the foregoing is true and correct to the best of my recollection.




Shin Hoshikawa, Paralegal
Graham & Dunn, P.C.

10/21/2008
Date: _____

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Petition to Revive U.S. Patent App. No 09/574,738 under 37 CFR 1.137(a)



Witnessed tina khatthamane

10/21/08

Date:

AFFIDAVIT OF SHIN HOSHIKAWA – EXHIBIT LIST

<i>Exhibit</i>	<i>Description</i>
Exhibit A	Asset purchase counseling materials from before purchase date of 7/23/2003, including listing of correct application number 09/574,738
Exhibit B	Assignment of Patents, dated 07/23/2003
Exhibit C	Record of Assignment, dated 09/22/2003

SELLER DISCLOSURE LETTER

uRoam, Inc.
757 North Pastoria Avenue
Sunnyvale, CA 94085

July __, 2003

[Acquirer]
[Address of Acquirer]

Seller Disclosure Letter

Gentlemen:

This Disclosure Letter is made and given pursuant to Section 3 of the Asset Purchase Agreement dated as of July __, 2003 (the "Agreement"), by and among [Acquirer] ("Buyer"), uRoam, Inc. ("Seller"), and uRoam Acquisition Corp. ("UAC"). All capitalized terms used but not defined herein shall have the meanings as defined in the Agreement, unless otherwise provided. The section numbers below correspond to the section numbers of the representations and warranties in the Agreement; provided, however, that any information disclosed herein under any section number shall be deemed to be disclosed and incorporated into any other applicable section number under the Agreement.

Nothing in this Disclosure Letter is intended to broaden the scope of any representation or warranty contained in the Asset Purchase Agreement or to create any covenant. Inclusion of any item in this Disclosure Letter does not represent a determination that such item is material or establish a standard of materiality. The information contained herein is disclosed solely for the purposes of the Agreement, and no information contained herein shall be deemed to be an admission by any party hereto to any third party of any matter whatsoever, including without limitation, any violation of law or breach of any agreement. The information contained in this Disclosure Letter is confidential, proprietary information of Seller, and the other parties to the Agreement shall be obligated to maintain and protect such confidential information.

The representations and warranties of Seller in the Agreement are qualified in their entirety by the financial statements provided by Seller to Buyer.

Schedule 3.1 - Organization and Good Standing.

Schedule 3.1(a)

1. The only state where Seller is qualified to do business is California. Seller does have one employee in Pennsylvania who conducts sales. Seller does not currently believe it is necessary for it to qualify to do business in Pennsylvania, but is investigating whether it may be necessary to do so.

Schedule 3.25 (c)(i)

See Schedule 3.9.

Schedule 3.25 (c)(ii)

UAC has not received intellectual property assignment agreements from the following individuals:

Lianne Caetano

Patty Chan

Charles Soren

Martha Clements

William Cox

Kathy English

Enrique Gomez

Thomas Mosdal

Carla Richards

Vicki Ryan

Schedule 3.25 (d)

Patents

1. P001 - Arbitration and Crossbar Device and Method - App. No. 09/738,003, OA received - Resp. due 6/24/03 (will go abandoned if not responded to by 9/24/03).
2. P002 - Tunneling Between a Bus and a Network - App. No. 09/272,807 - Office Action rec'd. - Resp. due 7/16/03 - (will go abandoned if not responded to by 10/16/03).
3. P003 - Optimizations for Tunneling Between a Bus and a Network, App. No. 09/273,238 - abandoned - Petition to Revive due 9/5/03.
4. P004 - Method of Secure Communication Over a Distributed Network Without Using Secure Socket Layer - App. No. 09/853,743 - No Office Action Yet.
5. P005 - Method and Apparatus to Balance Flow Loads in a Multipurpose Networking Device - App. No. 09/870,252 - No Office Action Yet.

6. P006 - Method and Apparatus to Facilitate Automatic Sharing in a Client Server Environment - App. No. 09/881,225 - No Office Action Yet.
7. P007 - Method for Configuring a Network Element Having a Unknown Protocol Address - App. No. 09/826,266 - No Office Action Yet.
8. P008 - A Method and Apparatus for Accessing a Computer Using a Browser - App. No. 9/305,831 - Abandoned - Petition to Revive due 6/27/03.
9. P009 - A Method and Apparatus for Accessing a Computer Behind a Firewall - 09/574,738 - No Office Action Yet.

Schedule 3.25 (e)(i)

Trademarks with the United States Department of Commerce

EXHIBIT B

ASSIGNMENT OF PATENTS

WHEREAS uRoam, Inc. ("Assignor"), formerly known as Filanet Corporation, a California corporation with its address at 757 North Pastoria Avenue, Sunnyvale, California 94085, is the owner of each of the patents (hereinafter collectively the "Patents") listed in Exhibit 1, attached hereto and incorporated herein by reference, all of which patent(s) were issued by or filed with the United States Patent and Trademark Office under the patent numbers listed in the Exhibit 1;

WHEREAS F5 Networks, Inc. ("Assignee"), a Washington corporation with its address at 401 Elliott Avenue West, Seattle, Washington 98119-4004, is desirous of acquiring said Patents and applications;

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, Assignor does hereby assign unto Assignee, all rights, title and interest in and to the Patents owned by Assignor.

URoam, Inc.

By: Skip Glass
Skip Glass
President

Dated: July 23, 2003

STATE OF Washington)
) ss.
County of King)

On this 23rd day of July, 2003, before me appeared Skip Glass, the person who signed this instrument, who, being by me duly sworn, acknowledged that he was the President of uRoam, Inc., and has signed said instrument with the free and voluntary act and with the authority to act on behalf of said corporation.



X Lisa L. Cottrell

Notary Public in the State of Washington,

residing at: 224 SW 381st Federal Way, WA

My commission expires: 5/5/05

98023

EXHIBIT 1
U.S. PATENT APPLICATIONS

Patent	Appl. No.	Status
Arbitration and Crossbar Device and Method	09/738,003	Pending
Tunneling Between a Bus and a Network	09/272,807	Pending
Optimizations for Tunneling Between a Bus and a Network	09/273,238	Pending
Method of Secure Communication Over a Distributed Network Without Using Secure Socket Layer	09/853,743	Pending
Method and Apparatus to Balance Flow Loads in a Multipurpose Networking Device	09/870,252	Pending
Method and Apparatus to Facilitate Automatic Sharing in a Client Server Environment	09/881,225	Pending
Method for Configuring a Network Element Having a Unknown Protocol Address	09/826,266	Pending
Method and Apparatus for Accessing a Computer Behind a Firewall	09/547,738	Pending

EXHIBIT C

GRAHAM & DUNN PC

September 22, 2003

ROBERT C. CUMBOW
(206) 340-9619
rcumbow@grahamdunn.com

EL639142893US

VIA U.S. EXPRESS MAIL
(EL639142893US)

Commissioner for Patents & Trademarks
U.S. Patent and Trademark Office
BOX: ASSIGNMENT
Washington, D.C. 20231

Re: Recordation of Assignment of U.S. Patents
Assignor: uRoam, Inc., formerly known as Filanet Corporation
Assignee: F5 Networks, Inc.

Dear Commissioner:

Enclosed for recordation is an assignment of Patents indicated above, together with \$320 to cover the recordation fee.

The Commissioner is hereby authorized to (1) charge any additional fees which may be required in connection with the filing of this recordation, or (2) credit any overpayment, to Deposit Account No. 07-1847. Please address all communication regarding this matter to Robert C. Cumbow at the address indicated below, or by phone at (206) 340-9619 or email at rcumbow@grahamdunn.com. Thank you.

Very truly yours,

GRAHAM & DUNN

Robert C. Cumbow

RCC/sh

cc: Daren Nitz

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

uRoam, Inc.,
formerly known as Filanet Corporation

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 7/23/2003

2. Name and address of receiving party(ies)

Name: F5 Networks, Inc.

Internal Address: _____

Street Address: 401 Elliott Avenue West

City: Seattle State: WA Zip: 98119-4004

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s) 09/738,003;
09/272,807; 09/273,238; 09/853,743

B. Patent No.(s) _____

Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Robert C. Cumbow

Internal Address: _____

Street Address: 2801 Alaskan Way, Suite 300
Pier 70

City: Seattle State: WA Zip: 981211128

6. Total number of applications and patents involved: 8

7. Total fee (37 CFR 3.41).....\$ 320

- ☒ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number: 07-1847

(Please charge any additional fees if the enclosed payment is insufficient to cover the recordation fees)

DO NOT USE THIS SPACE

9. Signature.

Robert C. Cumbow
Name of Person Signing


Signature

09/22/2003
Date

Total number of pages including cover sheet, attachments, and documents: 44

Additional PATENT APPLICATION Numbers:

09/870,252 09/881,225 09/826,266

09/547,738

ASSIGNMENT OF PATENTS

WHEREAS uRoam, Inc. ("Assignor"), formerly known as Filanet Corporation, a California corporation with its address at 757 North Pastoria Avenue, Sunnyvale, California 94085, is the owner of each of the patents (hereinafter collectively the "Patents") listed in Exhibit 1, attached hereto and incorporated herein by reference, all of which patent(s) were issued by or filed with the United States Patent and Trademark Office under the patent numbers listed in the Exhibit 1;

WHEREAS F5 Networks, Inc. ("Assignee"), a Washington corporation with its address at 401 Elliot Avenue West, Seattle, Washington 98119-4004, is desirous of acquiring said Patents and applications;

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, Assignor does hereby assign unto Assignee, all rights, title and interest in and to the Patents owned by Assignor.

URoam, Inc.

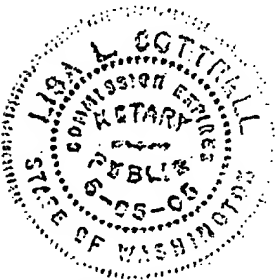
By: _____

Skip Glass
Skip Glass
President

Dated: July 23, 2003

STATE OF Washington)
) ss.
County of King)

On this 23rd day of July, 2003, before me appeared Skip Glass, the person who signed this instrument, who, being by me duly sworn, acknowledged that he was the President of uRoam, Inc., and has signed said instrument with the free and voluntary act and with the authority to act on behalf of said corporation.



x *Lisa L. Cottler*

Notary Public in the State of Washington,

residing at: *224 SW 301st Federal Way, WA*

My commission expires: *5/5/05*

98023

EXHIBIT 1
U.S. PATENT APPLICATIONS

Patent	Appl. No.	Status
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Method and Apparatus to Balance Flow Loads in a Multipurpose Networking Device	09/870,252	Pending
Method and Apparatus to Facilitate Automatic Sharing in a Client Server Environment	09/881,225	Pending
Method for Configuring a Network Element Having a Unknown Protocol Address	09/826,266	Pending
Method and Apparatus for Accessing a Computer Behind a Firewall	09/547,738	Pending

CERTIFICATE OF MAILING

I CERTIFY that on September 23, 2003, I mailed (via U.S. EXPRESS MAIL #EL639142893US) the attached RECORDATION FORM COVER SHEET and PATENT ASSIGNMENT in connection with pending U.S. patent applications owned by uRoam, Inc. to:

Commissioner for Patents & Trademarks
U.S. Patent and Trademark Office
BOX: ASSIGNMENT
Washington, D.C. 20231


Shin Hoshikawa